

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

JASON MIXON

DOCKET NO. 6:07-cv-1063

VERSUS

MAGISTRATE JUDGE HANNA

ANADARKO PETROLEUM
CORPORATION, ET AL.

BY CONSENT OF THE PARTIES

ORDER

Currently before this Court are the “Daubert Motion to Exclude the Report and Testimony of Stephen Killingsworth,” which was filed by Anadarko Petroleum Corporation, Noble Drilling (US) Inc., and SAS Industries, Inc. (Rec. Doc. 143), and the “Motion in Limine to Exclude Testimony of Plaintiff’s Liability Expert,” which was filed by National Oilwell Varco, L.P. (Rec. Doc. 147). Both motions are opposed. Following oral argument held on July 28, 2010, the undersigned finds that Mr. Killingsworth’s report dated April 30, 2009 is deficient under F.R.C.P. Rule 26(a)(2)(B)(i), however, both motions were taken under advisement, pending receipt of a supplemental report of Mr. Killingsworth and any further objections by the defendants.

Accordingly,

IT IS ORDERED that, pursuant to F.R.C.P. Rule 26(d)(2), the plaintiff shall be permitted until August 15, 2010 to submit to the defendants a supplemental report

by the plaintiff's expert mechanical engineer, Stephen A. Killingsworth, that is in compliance with the parameters of F.R.C.P. Rule 26(a)(2)(B).

IT IS FURTHER ORDERED that the defendants shall have fourteen days after the submission of Mr. Killingsworth's supplemental report to respond thereto, including but not limited to filing a motion to reurge the pending motions, if warranted.

IT IS FURTHER ORDERED that, on or before the expiration of the fourteen days following the submission of Mr. Killingsworth's supplemental report, the defendants shall designate whether they intend to submit expert reports in response to Mr. Killingsworth at which time the undersigned will set the appropriate deadlines, if any, that may be necessary for the submission of said reports and any concomitant depositions.

Signed at Lafayette, Louisiana, this 28th day of July, 2010.



Patrick J. Hanna
United States Magistrate Judge
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